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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/584,520
Filing Date: May 31, 2000
Appellant(s): LEGLISE ET AL.

Timothy N. Trop
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 07, 2008 appealing from the Office action

mailed February 28, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,412,073   RANGAN   6-2002

6,141,666   TOBIN   10-2000

BISYS (BISYS Enables Financial Institutions to Bring Direct Internet Access Services to Their

Customers: January 10,2000; PRNewswire)

(9) Grounds of Rejection

Claim Rejections - 35 USC § 112

Applicant's amendments filed January 30, 2008 overcome the rejection of 35 USC § 112

of claims 66, 71 and 81.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 66-70 and 81-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over

BISYS® Enables Financial Institutions to Bring Direct Internet Access Services to Their

Customers; January 10, 2000; PRNewswire (hereinafter BISYS) in view of Rangan (US

6,412,073).

Regarding claims 66, 69 and 81, 82, BISYS teaches receiving a plurality of graphical

user interfaces from said service provider (FirstLinq), each graphical user interface to include

content related to the products or services of a particular retail vendor (financial service

organizations), the content customized, at least in part, based on said information and not to

include advertising for another retail vendor (FirstLinq allowing bank consumers to review and

select any of a banks' product or service offerings); and preventing the identified customer from

using Internet services through said service provider without the customer first viewing, in

sequence, at least three graphical user interfaces from said plurality (ability to automatically

deliver consumers to a bank's web page or portal every time they go online). BISYS does not

explicitly teach providing customer identification together with information about the identified

customer's preferences to a service provider and receiving customized content. According to

applicant specification the three graphical user interface the user sees before accessing the

Internet includes the log-in or sign-in interface for selecting screen name (as disclosed in fig.2),

which is inherent feature of traditional Internet access service provided by traditional ISP.

Customizing the next interface with the user's preference is also inherent feature. Internet

Service providers, such as AOL have been doing this for years. Rangan teaches many companies

offering various subscription services accessible via the Internet, for example, many people now

do their banking, stock trading, shopping, and so forth from the comfort of their own homes via

Internet access (see abstract, col. 4 lines 43-52). Rangan teaches typically, a user, through

subscription, has access to personalized and secure WEB pages for such functions. Therefore, It

would have been obvious to one of ordinary skill in the art at the time of the invention for

Internet service provider of BISYS to provide customized content based on user's identification

and preference for the intended purpose of providing personalized page to simply user access to

the Internet, as taught in Rangan (see fig. 3, col. 5 line 63 to col. 6 line 27). Rangan also teaches

a log-on interface before user accessing the Internet also modifying the interface based on the

selection made in the prior interface, (see fig. 2 and abstract, col. 9 lines 18-50). It would have

been obvious to one of ordinary skill in the art at the time of the invention for BISYS's service

provider to provide a log-on and password page, as in Rangan, so the users could securely access

the Internet.

Regarding claims 67-68, 84 and 85, Rangan teaches tracking the customer's activity

while interacting with a graphical user interface; updating content for the graphical content based

on the tracking (col. 7 line 50 to col. 8 line 23). It would have been obvious to one of the

ordinary skill in the art at the time of the invention for the ISPs or financial services

organizations to track user interaction and update the content based on the tracking, as in

Rangan, in order to automatically update user content, as taught in Rangan (see col. 7 line 50 to

col. 8 line 23).

Regarding claim 70, Rangan teaches providing plurality of consumer identifiers to

identify each customer and receiving a set of graphical user interface customized for each

identified customer (see fig. 2 and col. 5 line 17-67, col. 9 lines 18-50). It would have been

obvious to one of ordinary skill in the art at the time of the invention for the ISPs of BISYS to

provide different interface customized for each user if the account or subscription is used by

more than one individual, as taught in Rangan, for the intended purpose of providing

personalized page to each user.

Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over BISYS® Enables

Financial Institutions to Bring Direct Internet Access Services to Their Customers; January 10,

2000; PRNewswire (hereinafter BISYS) in view of Rangan (US 6412,073) and further in view of

Tobin (US 6,141,666).

Regarding claim 83, BISYS does not teach modifying customized content for identified user based on another identified user's preference and past activities. Tobin teaches receiving reminder about others birthdays and receiving marketing information (col. 8 lines 41-53). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide advertisement based on other family member's birthdays or preference for the intended use of providing a reminder and suggesting gifts to the user, as taught in Tobin.

Claims 71-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan (US 6412,073) in view of BISYS® Enables Financial Institutions to Bring Direct Internet Access Services to Their Customers; January 10, 2000; PRNewswire (hereinafter BISYS).

Regarding claims 71-73, Rangan teaches keeping a record of a user's activity on a graphical user interface; graphical user interface received from service provider; graphical user interface to include content that is customized for the user; in response to the selection of an indicator on a sign-in graphical user interface having different indicators for known user; customizing content for a graphical user interface, current user's recorded user input and the product or services of the a particular retail vendor (see fig. 2 and abstract, col. 5 line 17-67col. 7 line 50 to col. 8 line 23, col. 9 lines 18-50). Rangan does not teach providing the graphical user interface received from service provider on behalf of retail vendor and customizing content for a selection graphical user interface based on the product and services of the particular retail vendor. BISYS teaches service providers providing Internet access service on behalf of retail vendors. BISYS teaches FirstLinq (virtual Internet service provider) allowing financial service organization (banks and other financial service organization) to offer traditional Internet access

services to their customers and to act as traditional internet access services to their customers and

to act as customized web portal sites (selection graphical user interface). BISYS teaches the

ability to automatically deliver consumers to a bank's web page or portal every time they go

online (interface customized with the products & services of the particular vendor or bank)

allows the bank to own the primary relationship with its customers. BISYS teaches operating as a

portal, banks are positioned as an alternative to national ISP solutions offering online shopping

and travel services, investment information and other traditional Internet-based products and

services (customized with the banks content). BISYS teaches FirstLinq allows bank customers to

review and select any of bank's products or service offerings (selection graphical user interface

customized with the vendor content). Therefore, it would have been obvious to one of ordinary

skill in the art at the time of the invention for Banks or e-commerce vendors of Rangan to use the

virtual Internet Service provider of BISYS to provide Internet service for the same reason

disclosed in BISYS. Rangan also teaches providing Internet services to the known users of the

processor-based system (see fig. 2&3, col. 2 lines 14-36).

Regarding claim 74, Rangan teaches receiving preference of each known users (see col. 1

line 19-38, col. 2 lines 1-11, col. 6 line 1-33).

Regarding claim 75, Rangan does not teach providing the preferences and the record of

user activities to said service provider. BISYS teaches the Internet service being provided on

behalf of the banks or financial institutions by FirstLinq (packaged by BISYS information

solution). Therefore, is it inherent that the information be provided to the service provider (in this

case FirstLinq), since the service is provided by VISP.

Regarding claims 76-80, Rangan teaches selection graphical user interface having a predestined set of selection options that if selected will cause the system to access a particular retail vendor. BISYS teaches the selection graphical user interface having a predefined set of selectable options and when selected causing the system to access said particular vendor's web site. BISYS teaches the operating as portal, banks are positioned as an alternative to national ISP solutions by offering a unique focus on community activities and news, while still offering online shopping and travel services, investment information and other traditional Internet-based products and services. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for the consumer of Rangan to see the particular vendor of BISYS's, after selection, since the first thing the consumer sees is the Bank's web page, as disclosed in BISYS. E-mail options and help options are inherent feature of the Internet service. Both Rangan and BISYS services provide both options. Both Rangan and BISYS teach limited number of options (see Rangan col. 9 lines 15-67). BISYS teaches offering a unique focus on community activities and news, while still offering online shopping and travel services, investment information and other traditional Internet-based products and services.

(10) Response to Argument

Examiner would like to point out that Appellant's argument was addressed in the Advisory Action mailed February 28, 2008, which is completely ignored by Appellant.

In light of Appellant's amendment and argument, the rejection of 35 USC § 112 have been withdrawn.

Examiner would like to make it clear that claim 66 recites receiving plurality of user interface. The term "plurality" is interpreted to mean more than one. However since the claim

also recites preventing the identified customer from using the Internet service without the customer first viewing in sequence *at least three graphical user interfaces* from said plurality, the term "plurality" is interpreted to mean at least three. Appellant in the argument indicates that claim 66 specifically requires receiving a plurality of graphical user interface each of the plurality including content related to the products or services of a particular retail vendor and the content being customized based on the information received from the client and argues that this does not happen in BISYS. Appellant also argues that customizing the next interface after the sign-in interface is not inherent and no cited reference teaches this feature.

As indicated in the Advisory action, according to applicant's invention, three graphical user interfaces are provided before the user accesses the Internet. The first graphical user interface is the sign-in interface (see fig. 2) which also includes the name of the retail vendor. Once user is authenticated the second graphical user interface is provided, which includes five different options (see fig. 3) which also includes an ad. If or when the user selected the "other" option a third graphical user interface (see fig. 4) is provided, which includes four different options, wherein one of the options is access to an Internet site or to search the Internet (fig. 5 or 6). The specification teaches that "the service provider 16 controls the information displayed on the client system 12 and provides Internet and e-mail services as well. Thus, the service provider 16 acts as the Internet service provider for the client system 12. At the same time, the service provider 16 may provide targeted information to the client system 12 on behalf of a particular retail vendor 19" (see page 6&7). As indicated in the final rejection and the Advisory action, Rangan teaches, in response to log-on by the user (first graphical interface, same as applicant's fig. 2), presents a secure and customized (personalized page same as applicant's fig. 3), the page

having a listed plurality of Internet destination enabled by hyperlinks, and upon invocation of a

hyperlink by the subscriber the portal invokes a URL for the destination (see abstract) (same as

applicant's disclosure (see fig. 4). Rangan does not teach wherein the service provider, provides

the Internet access service, on behave of the retail vendor, this is taught in BISYS. As indicated

above, BISYS teaches FirstLinq (virtual Internet service provider) allowing financial service

organization (banks and other financial service organization) to offer traditional Internet access

services to their customers and to act as customized web portal sites (selection graphical user

interface, same as appellant's (see fig. 3). BISYS teaches this powerful and unique combination

enables financial institutions to establish one-stop e-commerce sites, offering Internet access, e-

mail with personalized addresses, personal we page hosting and web site design and support

services (same as fig. 4 of appellant). BISYS further teaches when used in conjunction with web

banking solution, FirstLinq allows bank customer to review and select any of the a bank' product

or service offering (same as appellant's invention) BISYS teaches the ability to automatically

deliver consumers to a bank's web page or portal every time they go online (interface customized

with the products & services of the particular vendor or bank) allows the bank to own the

primary relationship with its customers. BISYS teaches operating as a portal, banks are

positioned as an alternative to national ISP solutions offering online shopping and travel

services, investment information and other traditional Internet-based products and services

(customized with the banks content). BISYS teaches FirstLinq allows bank customers to review

and select any of bank's products or service offerings (selection graphical user interface

customized with the vendor content). Therefore, Rangan in combination with BISYS provides

customized graphical user interfaces (at least three graphical user interface) provided by service

provider on behave of a retail vendor. Regarding the argument that the customizing of the next

interface after the sign-in interface in not inherent, Examiner would like to point out that the

Service provider would provide the same features that the service provider provides (traditional

Internet service) even when the service is provided on behalf of the retail store and it would be

an inherent feature of the service that the Service provider provides. However even though

examiner provided such statement, Examiner also indicated that Rangan teaches the feature of

customization based on user preference (see col. 1 line 25 to col. 2 line 67).

Appellant also argues that anything in the cited material in Rangan teaches customizing

the content in a plurality of graphical user interfaces to include content related to products and

services of a particular vendor customized based on input information about the customer's

Preferences. Examiner would like to point out that Rangan was used for the teaching of

customizing a page (content) with the information about the customer, not for the content related

to products or services of a particular vendor. BISYS in combination with Rangan provides

customized or personalized graphical user interfaces with contents related to services or products

of a particular vendor (such as the Bank of BISYS).

Regarding claim 71, Examiner would like to point out that the claim recited a method of

keeping a record of a user's activities on an activity graphical user interface. The fact that the

graphical user interface includes content that is customized on behalf of a particular retail vendor

or not does not change the step of " keeping record of a user's activities on a graphical user

interface" and should not be given patentable weight. However Examiner consider the claim as

whole and provided BISYS for the teaching of a graphical user interface including content that is

customized on behalf of a particular retail vendor. Appellant argues that Rangan is silent on

customizing "content for a graphical user interface; current user's recorded user input and the

product or services of a particular vendor". Rangan teaches customizing the "user graphical user

interface" based on the current user and the user's record. Examiner is aware that Rangan does

not teach customizing the interface to include the content of a particular vendor products or

service. This feature is taught in BISYS. Appellant also argues that the claim calls for a sign-in

user interface having different indicators for each known user and the indicator must be

selectable and Appellant asserts that there is no reason to believe that the indicators allegedly

taught in Fig. 2 of Rangan is selectable. Examiner directs Appellant to col. 5 line 18 to col. 6 line

43 of Rangan to show that the indicators are selectable.

(11) Related Proceeding(s) Appendix

      No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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